

**Assembly Bill No. 2612**

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Passed the Assembly    July 7, 1998

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*Chief Clerk of the Assembly*

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Passed the Senate    July 2, 1998

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1998, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to amend Section 113996 of the Health and Safety Code, relating to retail food facilities, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2612, Migden. Retail food facilities.

Existing law, the California Uniform Retail Food Facilities Law, administered by the State Department of Health Services, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Health Services to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. Violation of the California Uniform Retail Food Facilities Law and regulations adopted pursuant thereto is a crime.

Existing law requires that all potentially hazardous food be held at or below or kept at or above certain temperatures at all times, with certain exceptions.

Existing law requires that all ready-to-eat foods prepared at the food facility from raw or incompletely cooked animal tissues be thoroughly cooked prior to serving, as prescribed, with certain exceptions for ready-to-eat foods made from or containing eggs, comminuted meat, or single pieces of meat, including fish and seafood, when the consumer specifically orders that these foods be individually prepared less than thoroughly cooked.

This bill would, in addition, provide that a ready-to-eat food containing a raw or less than thoroughly cooked egg as an ingredient, including, but not limited to, a salad dressing or sauce, may be served if the facility notifies the consumer, either orally or in writing, that the food contains that ingredient, and the consumer does not object to the preparation.



This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 113996 of the Health and Safety Code is amended to read:

113996. (a) All ready-to-eat foods prepared at the food facility from raw or incompletely cooked animal tissues shall be thoroughly cooked prior to serving. For purposes of this subdivision, food shall be thoroughly cooked if it conforms to the following requirements, except as specified in subdivision (b):

(1) Comminuted meat or any food containing comminuted meat shall be heated to a minimum internal temperature of 69 degrees Celsius (157 degrees Fahrenheit), or an optional internal temperature of 68 degrees Celsius (155 degrees Fahrenheit) for 15 seconds.

(2) Eggs and foods containing raw eggs shall be heated to a minimum internal temperature of 63 degrees Celsius (145 degrees Fahrenheit).

(3) Pork shall be heated to a minimum internal temperature of 68 degrees Celsius (155 degrees Fahrenheit).

(4) Poultry, comminuted poultry, stuffed fish, stuffed meat, stuffed poultry, and any food stuffed with fish, meat, or poultry shall be heated to a minimum internal temperature of 74 degrees Celsius (165 degrees Fahrenheit).

(b) When foods containing raw or incompletely cooked animal tissues specified in this section are prepared in a microwave oven, they shall be heated at a minimum internal temperature of 14 degrees Celsius (25 degrees Fahrenheit) above the minimum temperatures specified in subdivision (a). During microwaving, the food shall be completely enclosed in a container and periodically stirred or rotated to assure even heat distribution. Upon the completion of microwaving, the enclosed food shall be left standing for a minimum of two minutes to assure temperature equilibrium. This



subdivision does not apply to the heating of ready-to-eat cooked foods or the defrosting of food items.

(c) (1) Ready-to-eat foods made from or containing eggs or comminuted meat, or single pieces of meat, including beef, veal, lamb, pork, fish, and seafood, that have not been thoroughly cooked as provided in this section may be served if the consumer specifically orders that these foods be individually prepared less than thoroughly cooked.

(2) In addition to paragraph (1), a ready-to-eat food containing a raw or less than thoroughly cooked egg as an ingredient, including, but not limited to, a salad dressing or sauce, may be served if the facility notifies the consumer, either orally or in writing, that the food contains that ingredient, and the consumer does not object to the preparation.

(d) The department shall authorize alternative time and temperature minimum heating requirements to thoroughly cook the food identified in this section when the food facility or person demonstrates to the department that the alternative heating requirements provide an equivalent level of food safety.

(e) For purposes of this section, “meat” means the tissue of animals used as food, including beef, veal, lamb, pork, and other edible animals, except eggs, fish, and poultry, that is offered for human consumption.

(f) It is the intent of the Legislature that the requirements of this section be uniformly enforced. The department shall train and provide guidance to local health departments to promote uniform enforcement of the requirements specified in this section.

(g) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:



In order to eliminate confusion among restaurateurs and regulators regarding the legal requirements for serving traditional foods, and to remove unnecessary restraints on California's restaurant business, at the earliest possible time, it is necessary that this act take effect immediately.



Approved \_\_\_\_\_, 1998

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*Governor*

